

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicants:</b>	Masek <i>et. al.</i>	<b>Conf. No.:</b>	5987
<b>Serial No.:</b>	10/670,898	<b>Art Unit:</b>	2193
<b>Filing Date:</b>	09/25/2003	<b>Examiner:</b>	Mitchell, Jason D.
<b>Title:</b>	METHOD, SYSTEM AND PROGRAM PRODUCT FOR TESTING A SERVER APPLICATION USING A REENTRANT TEST	<b>Docket No.:</b>	LOT920030024US1 (IBML-0027)

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION TO RESET THE TIME PERIOD**

**FOR RESPONSE**

Sir:

This Petition is being filed subsequent to a Notice of Non-Compliant Amendment mailed July 19, 2007 and is being filed concurrently with a Replacement Amendment in response thereto.

Applicants submit that the time period for responding to the Notice of Non-Compliant Amendment should be reset due to a failure of the Applicants to receive notice thereof, and respectfully submit:

- 1) On July 13, 2007, Applicants filed, electronically, a Request for Continued Examination with an Amendment in response to a Final Office Action dated April 16, 2007.
- 2) On January 9, 2008, Applicants discovered a Notice of Non-Compliant Amendment in the PAIR system with a mailing date of July, 19 2007 while performing a routine check based on the fact that an Action had not been received from the Office.

3) Applicants declare that they never received the Notice of Non-Compliant Amendment at the address indicated on the correspondence. This declaration is based on the fact that Applicants have established procedures for receiving, docketing and filing all correspondence of this nature. Applicants have no record of receipt, docketing or filing of the Notice of Non-Compliant Amendment.

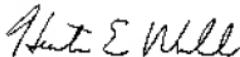
4) As a result of not having received the Notice of Non-Compliant Amendment, Applicants were unable to respond to the Notice in a timely manner.

5) Applicants respectfully submit that it is in the interest of due process that the time period for replying to the Notice of Non-Compliant Amendment be reset to reflect the actual date of receipt of the Notice, *to wit*, from January 9, 2007.

6) Applicants further submit that fees for the Extension of Time for filing of the Replacement Amendment filed in response to the Notice of Non-Compliant Amendment should be refunded.

In light of the above, Applicants request that the Office reset the time for filing a response to the Notice of Non-Compliant Amendment mailed by the Office to run from the date of January 9, 2008. Applicants further request that fees paid for an Extension of Time paid in association with the Replacement Amendment be refunded. Applicants still further pray for all other relief to which they may be entitled.

Respectfully submitted,



Hunter E. Webb  
Reg. No. 54,593

Date: January 18, 2007

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)